

**Facsimile Transmission**

North Point, 901 Lakeside Avenue • Cleveland, Ohio 44114-1190 • (216) 586-3939  
Facsimile: (216) 579-0212  
sdscanlon@jonesday.com

**May 14, 2004****RECEIVED  
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Please hand deliver the following facsimile to:

Name: **Thomas Hawkins**Facsimile No.: **703 872 9306****MAY 14 2004**Company: **USPTO**Number of pages (including this page): **11**

Telephone No.:

From: **Stephen D. Scanlon****OFFICIAL**

Title:

Send Copies To:

Direct Telephone No.: **216-586-7023**JP No.: **247398**☐ **Copies distributed**CAM No.: **975902-600043**

Operator's initials

Re:

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**PATENT**

Attorney Docket No.: 975902600043

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant : Wilhelm F. Maier, et al.  
Serial No. : 09/582,116  
Filed : September 18, 2000  
For : Method for Combinatorial Material Development  
Using Differential Thermal Images  
Art Unit : 1639  
Examiner : Ponnaluri

**RECEIVED  
CENTRAL FAX CENTER****MAY 14 2004****OFFICIAL****PETITION TO WITHDRAW HOLDING OF ABANDONMENT  
UNDER 37 C.F.R. 1.181**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This paper is a petition to withdraw the Notice of Abandonment incorrectly issued March 31, 2004 (copy enclosed), for the above noted application.

The issue fee for this application was mailed on December 1, 2003 to the previous attorney of record. The Issue Fee Transmittal, requesting the United States Patent and Trademark Office (USPTO) to charge Jones Day's Deposit Account No. 50-1432, for the payment of the issue fee, and ten (10) copies of the granted patent, was submitted to the USPTO on February 26, 2004. A copy of the Issue Fee Transmittal, and a copy of the USPTO stamped postcard receipt, dated March 1, 2004, are enclosed.

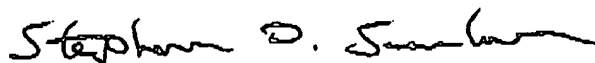
Further, a General Power of Attorney By Assignee and Exclusion of Inventors was submitted to the USPTO on March 4, 2004. Enclosed is a copy of the power and the USPTO stamped postcard receipt, dated March 8, 2004.

Finally, enclosed is a copy of the Verified Statement Claiming Small Entity Status, submitted with the Communication re: Filing of Declaration on a date Later Than the Filing Date of the Application, submitted on September 13, 2000.

Attorney for Applicant does not believe that any fees are due for the submission of this paper only, since the error was made by the USPTO. If any fees are due for the submission of this paper, please charge Jones Day's Deposit Account No. 50-1432.

Attorney for Applicant respectfully requests that the Notice of Abandonment be withdrawn due to the facts noted above. If there are any questions regarding this submission, please contact the undersigned.

Respectfully submitted,



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Stephen D. Scanlon, Registration No. 32755  
Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114  
(216) 586-7023

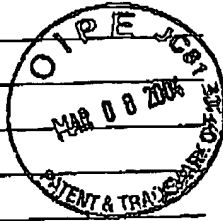
Express Mail No.: \_\_\_\_\_

Docket No.: 975902-600043

Application No.: 09/582116

Patent/Registration No.: \_\_\_\_\_

Trademark: \_\_\_\_\_



Date Mailed: March 4, 2004

Applicant: \_\_\_\_\_

Filing Date: \_\_\_\_\_

Issue/Registration Date: \_\_\_\_\_

Title: \_\_\_\_\_

THE USPTO ACKNOWLEDGES AND HAS STAMPED THE DATE OF RECEIPT OF THE ITEMS CHECKED BELOW:

- |  |  |
|--|--|
| <input type="checkbox"/> Affidavit (____ pages)  | <input type="checkbox"/> Design Patent Application Transmittal                           |
| <input type="checkbox"/> Amendment (____ pages)  | <input type="checkbox"/> Utility Patent Application Transmittal                          |
| <input type="checkbox"/> Application Papers  | <input type="checkbox"/> Issue Fee Transmittal   |
| <input type="checkbox"/> sheets of drawing(s) (formal/informal)                                  | <input type="checkbox"/> Maintenance Fee Transmittal Form                                |
| <input type="checkbox"/> pages specification   | <input type="checkbox"/> Notice of Opposition  |
| <input type="checkbox"/> pages description   | <input type="checkbox"/> Petition for Extension of Time                                  |
| <input type="checkbox"/> pages claims  | <input type="checkbox"/> Preliminary Amendment (____ pages)                              |
| <input type="checkbox"/> pages abstract  | <input type="checkbox"/> Renewal Application (____ pages)                                |
| <input type="checkbox"/> pages of PCT Request  | <input type="checkbox"/> Response (____ pages)   |
| <input type="checkbox"/> PCT Calculation sheet   | <input type="checkbox"/> Revocation of Power of Attorney and Appointment of New Attorney |
| <input type="checkbox"/> Application Data Sheet  | <input type="checkbox"/> Small Entity Statement  |
| <input type="checkbox"/> Assignment (____ pages) <input type="checkbox"/> Assignment cover sheet | <input type="checkbox"/> Specimens   |
| <input type="checkbox"/> Declaration (____ pages)  | <input type="checkbox"/> Statement of Use  |
| <input type="checkbox"/> Declaration/Power of Attorney (____ pages)                              | <input type="checkbox"/> Status Inquiry  |
| <input type="checkbox"/> Fee Transmittal Form  | <input type="checkbox"/> Transmittal Letter  |
| <input type="checkbox"/> IDS & PTO-1449 and  | <input type="checkbox"/> Check - Amount \$ _____   |
| <input type="checkbox"/> cited item(s)   | <input checked="" type="checkbox"/> Other General Power of Atty by Assignee              |
| <input type="checkbox"/> Provisional Application for Patent cover sheet                          | 2 pgs  |

**GENERAL POWER OF ATTORNEY BY ASSIGNEE  
AND EXCLUSION OF INVENTORS UNDER 37 C.F.R. 3.71**

The undersigned Assignee hereby designates the following as its correspondence address and telephone number:

Stephen D. Scanlon  
Jones Day  
North Point  
901 Lakeside Avenue  
Cleveland, Ohio 44114  
(216) 586-7023

and appoints the following as its attorneys with full power of substitution and revocation, to prosecute all patent applications for which the undersigned Assignee is or will become an assignee of record, and to transact all business in the Patent and Trademark Office connected therewith:

Kenneth R. Adamo, Registration No. 27,299; Barbara E. Arndt, Registration No. 37,768; Michael R. Asam, Registration No. 51,417; John V. Biernacki, Registration No. 40,511; David B. Cochran, Registration No. 39,142; Lorri W. Cooper, Registration No. 40,038; Regan J. Fay, Registration No. 26,878; F. Drexel Feeling, Registration No. 40,602; Paul E. Franz, Registration No. 45,910; Calvin P. Griffith, Registration No. 34,831; David M. Malorana, Registration No. 41,449; Timothy J. O'Hearn, Registration No. 31,552; Mitchell Rose, Registration No. 47,906; Joseph M. Sauer, Registration No. 47,919; Stephen D. Scanlon, Registration No. 32,755; Jenny L. Sheaffer, Registration No. 45,099; H. Duane Switzer, Registration No. 22,431; Michael W. Vary, Registration No. 30,811; and James L. Wamsley, III, Registration No. 31,578;

all having the above designated address, provided that, if any appointed attorney ceases to be affiliated with the law firm of Jones Day then the appointment of such attorney and all powers derived therefrom shall terminate on the date such attorney ceases to be so affiliated.

In accordance with 37 C.F.R. 3.71, this appointment is to the exclusion of the inventors and their attorneys.

An assignment of the entire interest in application no. 09/582116

☐ was recorded on \_\_\_\_\_, at Reel \_\_\_\_\_, Frames \_\_\_\_\_.

☐ is submitted herewith for recording.

☒ will be submitted at a later date.

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

on 3/4/2004

By: Danely Sigis

Please direct all correspondence for this application to customer no. \_\_\_\_\_.

ASSIGNEE: HTE Aktiengesellschaft the high throughput experimentation company

Signature: \_\_\_\_\_

Typed Name: Wolfram Sticht

Position/Title: Director

Address: Kurpfalzring 104  
69123 Heidelberg, GERMANY

Date: Sep 15<sup>th</sup> 2003



UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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09582116

EXAMINER
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ART UNIT	PAPER NUMBER
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23

# NOTICE OF ABANDONMENT

DATE MAILED: ASABANDONMENT  
CONTACT PERSON IS:  
TOM HAWKINS  
305-8380

This application is abandoned in view of:

- ☐ Applicant's failure to timely file a proper reply to the Office letter mailed on \_\_\_\_\_
- ☐ A reply (with Certificate of Mailing or Transmission of \_\_\_\_\_) was received on \_\_\_\_\_ which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_
- ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on \_\_\_\_\_, but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.
- ☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85) (or Notice of Publication Fee Due).
  - ☒ The submitted fee of \$ 30 is insufficient. A balance of \$ 665 is due.  
The issue fee by 37 CFR 1.18 is \$ 665. The publication fee, if required, by 37 CFR 1.18(d) is \$ \_\_\_\_\_.
  - ☐ The issue fee and publication fee, if applicable, have not been received.
- ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).
  - ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - ☐ No corrected drawings have been received.
- ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.
- ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.
- ☐ The decision by the Board of Patent Appeals and Interferences rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
- ☐ The reason(s) below: \_\_\_\_\_

Express Mail No.: \_\_\_\_\_

Docket No.: 975902-600043

Application No.: 09/582116

Patent/Registration No.: \_\_\_\_\_

Trademark: \_\_\_\_\_

Date Mailed: February 26, 2004

Applicant: \_\_\_\_\_

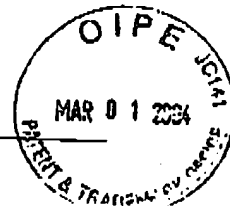
Filing Date: \_\_\_\_\_

Issue/Registration Date: \_\_\_\_\_

Title: \_\_\_\_\_

THE USPTO ACKNOWLEDGES AND HAS STAMPED THE DATE OF RECEIPT OF THE ITEMS CHECKED BELOW:

- |  |  |
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| <input type="checkbox"/> Affidavit (____ pages)                              | <input type="checkbox"/> Design Patent Application Transmittal                           |
| <input type="checkbox"/> Amendment (____ pages)                              | <input type="checkbox"/> Utility Patent Application Transmittal                          |
| <input type="checkbox"/> Application Papers                                  | <input checked="" type="checkbox"/> Issue Fee Transmittal                                |
| ____ sheets of drawing(s) (formal/informal)                                  | <input type="checkbox"/> Maintenance Fee Transmittal Form                                |
| ____ pages specification   | <input type="checkbox"/> Notice of Opposition  |
| ____ pages description   | <input type="checkbox"/> Petition for Extension of Time                                  |
| ____ pages claims  | <input type="checkbox"/> Preliminary Amendment (____ pages)                              |
| ____ pages abstract  | <input type="checkbox"/> Renewal Application (____ pages)                                |
| ____ pages of PCT Request  | <input type="checkbox"/> Response (____ pages)   |
| ____ PCT Calculation sheet   | <input type="checkbox"/> Revocation of Power of Attorney and Appointment of New Attorney |
| <input type="checkbox"/> Application Data Sheet                              | <input type="checkbox"/> Small Entity Statement  |
| <input type="checkbox"/> Assignment (____ pages)      Assignment cover sheet | <input type="checkbox"/> Specimens   |
| <input type="checkbox"/> Declaration (____ pages)                            | <input type="checkbox"/> Statement of Use  |
| <input type="checkbox"/> Declaration/Power of Attorney (____ pages)          | <input type="checkbox"/> Status Inquiry  |
| <input type="checkbox"/> Fee Transmittal Form                                | <input type="checkbox"/> Transmittal Letter  |
| <input type="checkbox"/> IDS & PTO-1449 and                                  | <input type="checkbox"/> Check - Amount \$ _____   |
| ____ cited item(s)   | <input type="checkbox"/> Other   |
| <input type="checkbox"/> Provisional Application for Patent cover sheet      |  |





11 FEB 2004 9:42

JONES DAY MUENCHEN

NR. 1778 S. 4

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail

Mail Stop ISSUE FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
or Fax (703) 746-4000

**INSTRUCTIONS:** This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 4 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Please Legibly mark up with any corrections in one block.)

7300 12/01/2003  
Norris McLaughlin & Marcus P.A.  
220 East 42nd Street  
30th Floor  
New York, NY 10017

**Note:** A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, shall have its own certificate of mailing or transmittal.

**Certificate of Mailing or Transmittal**  
I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being transmittal transmitted to the USPTO, on the date indicated below.

Pamela J. Cyngier (Date/Time)  
Pamela J. Cyngier (Signature)  
2/24/04 (Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONTINUATION NO.
09362,116	09/18/2000	WILHELM F. MAIER	STUDIER 272-	7604

TITLE OF INVENTION: METHOD FOR COMBINATORIAL MATERIAL DEVELOPMENT USING DIFFERENTIAL THERMAL IMAGES

APPL. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
(nonprovisional)	YES	\$665	\$0	\$665	02/01/2004

EXAMINER	ART UNIT	CLASS-SUBCLASS
PONNALUR, PADMAHARI	1639	436-037000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.303).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/121) attached.

☐ "Fee Address" indication (or "Fee Address" indication form PTO/SB/121, Rev. 02-01 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1. JONES DAY  
2.  
3.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

**PLEASE NOTE:** Unless an assignee is identified below, no assignee data will appear on the patent. Inclusion of assignee data is only appropriate when an assignment has been previously submitted to the USPTO or is being submitted under separate cover. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY AND STATE OR COUNTRY)

hte Aktiengesellschaft the high Heidelberg GERMANY  
throughput experimentation company

Please check the appropriate assignee category as categories (will not be printed on the patent): ☐ individual ☒ corporation or other private group entity ☐ government

4a. The following fee(s) are enclosed:

☒ Issue Fee☐ Publication Fee☒ Advance Order - # of Copies

10

4b. Payment of Fee(s):

☐ A check in the amount of the fee(s) is enclosed.☐ Payment by credit card. Form PTO-8038 is attached.

☒ The Director is hereby authorized by check the required fee(s), or credit any overpayment, to Deposit Account Number: 50-1432 (check an extra copy of this form).

Director for Patents is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above.

(Authorized Signature)

(Date)

*Mike P. Qam* 2-26-04  
**NOTE:** The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant, a registered attorney or agent, or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. There will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Alexandria, Virginia 22312-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Alexandria, Virginia 22313-1450.

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TRANSMIT THIS FORM WITH FEE(S)

PTOL-45 (Rev. 10/03) Approved for use through 04/30/2004.

OMB 0651-0033

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Studiengesellschaft

Applicant or Patentee: Kohle mbH et al. Attorney KGB

Serial or Patent No.: \_\_\_\_\_ Docket No.: \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

For: Method for Combinatorial Material Development Using  
Differential Thermal Images**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY  
STATUS (37 CFR 1.9(f) AND 1.27(d) - NONPROFIT ORGANIZATION**

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

NAME OF ORGANIZATION Studiengesellschaft Kohle mbHADDRESS OF ORGANIZATION Kaiser-Wilhelm Platz 1, 45470 Mülheim an der Ruhr, GermanyTYPE OF ORGANIZATION Trustee for the Max-Planck-Institut für Kohlen-  
forschung, Kaiser-Wilhelm-Platz 1, 45470 Mülheim an  
der Ruhr, Germany  
☐ University or other institution of higher education

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 CFR 1.9(e) for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code with regard to the invention entitled \_\_\_\_\_ by inventor(s) described in

- ☐ the specification filed herewith  
☐ application Serial No. \_\_\_\_\_, filed \_\_\_\_\_  
☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive, each individual, concern or organization having rights to the invention is listed below\* and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 CFR 1.9(d) or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e). \*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Prof. Dr. E. Ziegler

NAME OF PERSON SIGNING

NAME OF PERSON SIGNING

Studiengesellschaft Kohle mbH  
TITLE OF ORGANIZATION

TITLE OF ORGANIZATION

Kaiser-Wilhelm-Platz 1  
45470 Mülheim an der Ruhr, DE  
ADDRESS OF PERSON SIGNING

ADDRESS OF PERSON SIGNING

E. Ziegler  
SIGNATURE

SIGNATURE

June 19, 2000

Date

Date